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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CR 16-00203 JSW
)	
Plaintiff,)	PROPOSED ORDER OF DETENTION
)	
v.)	
)	
ALVIN WILLFORM,)	
)	
Defendant.)	

The defendant, Alvin Willform, is charged in this case with a violation of 18 U.S.C. § 922(g)(1) for being a felon in possession of a firearm and ammunition. On May 17, 2016, at the Initial Appearance in the above-referenced matter, the government moved for the pretrial detention of the defendant, pursuant to 18 U.S.C. § 3142, and requested a hearing. On May 20, 2016, the Court held a detention hearing. The Court has carefully considered the proffers of the government and the defendant's counsel, the factors set forth in 18 U.S.C. § 3142(g), and the information contained in the bail study prepared by the U.S. Pretrial Services Agency, which recommends that the defendant be detained pending trial. The Court finds by clear and convincing evidence that releasing the defendant prior to trial in this matter would not reasonably assure the safety of the community, and therefore the defendant is a danger to the community. For the reasons set forth below, as well as those stated on the

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1 record on May 20, 2016, the Court concludes that no conditions or combination of conditions could be
2 fashioned in order to properly protect the community if he is released. Therefore, the Court orders that
3 the defendant be detained.

4 **I. LEGAL STANDARD**

5 Under the Bail Reform Act, an authorized judicial officer may order the detention or release of a
6 defendant pending trial. The judicial officer may detain a defendant where the government shows by
7 clear and convincing evidence that no release condition will reasonably assure the safety of the
8 community. Specifically, detention may be ordered where the court finds no condition or combination
9 of conditions could prevent the defendant's continued or future criminal activity. *United States v.*
10 *Salerno*, 481 U.S. 739 (1987). Additionally, the judicial officer may detain a defendant if the
11 government proves by a preponderance of the evidence that the defendant poses a risk of flight. *United*
12 *States v. Motamedi*, 767 F.2d 1403, 1407 (9th Cir. 1985); *United States v. Gebro*, 948 F.2d 1118, 1121
13 (9th Cir. 1991).

14 **II. ANALYSIS**

15 For the reasons stated on the record on May 20, 2016, the Court finds that the government has
16 met its burden to establish that the defendant is a danger to the community. The defendant has a number
17 of prior convictions, including convictions for threatening a crime with the intent to terrorize, attempted
18 burglary, and possession of crack cocaine for sale. The defendant has also previously violated the
19 conditions of his parole and/or probation. The government also offered evidence that, since his arrest on
20 December 21, 2015, the defendant has again been in possession of a firearm and used marijuana while
21 released on bail in California Superior Court, where he faces similar charges for the conduct alleged in
22 this case. The defendant also did not present at the detention hearing adequate sureties or a suitable
23 place for him to reside if he were to be released. While the defense suggested that the defendant could
24 reside in a halfway house pending trial in this case, based on his multiple failures to comply with
25 conditions set by other courts, as well as his prior convictions and apparent post-arrest conduct in this
26 case involving videos of the defendant with firearms and marijuana, the Court is concerned that the
27 defendant will not follow the Court's instructions and that his release would present a danger to the
28 community.

1 **III. CONCLUSION**

2 Having considered all of the relevant factors set forth in 18 U.S.C. § 3142(g), and for the reasons
3 set forth herein, as well as those stated on the record on May 20, 2016, the Court hereby finds by clear
4 and convincing evidence that no condition or combination of conditions will reasonably assure the
5 safety of the community or others if the defendant is released. *See* 18 U.S.C. § 3142(f).

6 Therefore, the Court ORDERS that the defendant be detained.

7
8 IT IS SO ORDERED.

9
10 DATED: June 6, 2016



HONORABLE KANDIS A. WESTMORE
United States Magistrate Judge